9:Skinner E-5 (1955-1957)1960 FA28 Mossi FA28

TRADITIONAL AND MODERN PATTERNS OF SUCCESSION TO POLITICAL OFFICE AMONG THE MOSSI OF THE VOLTAIC REPUBLIC*

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643 A characteristic of kingship shared by early European monarchies and many African societies has been the hazardous interregnum. In Europe this period was a time of shifting loyalties, intrigues, and bargained alliances; and the people's cry "the king is dead long live the king" was uttered without pause as if to abolish a hiatus that made them uneasy. The European monarchy later developed a strength and stability which enabled a king to pass on succession quietly to his heir. In African societies where the political power of the court was not strong, and the line of succession was not clearly delineated, the attempt was made to avoid a hazardous interregnum by keeping the people ritually ignorant of the death of a king. Only when the electors were ready to choose his successor were the people told of their monarch's demise. Even then, there was some real or ritual violence as the [662 669] numerous candidates vied for the vacant office.[1] Africans have themselves interpreted these stormy interregnums as being valuable for their societies. According to Oberg, in the Ankole Kingdom of Uganda, "The Bahima demanded that the strongest of the king's sons should be their leader and that the test should be one of war. The brothers must fight among themselves until one of them alone remained alive in Ankole Kingdom of Uganda to claim the drum and the mugabeship."[2] Other African populations believed that violent interregnums served to convince the people that a ruler was necessary. The Mossi of the Western Sudan was one of those societies which had a difficult interregnum. [121] In this paper I shall try to show that this pattern coinciding as it did, with a flexibility of succession to power among the ruling group, enabled this population to elect capable rulers before European conquest, helped them to insure the continuity of the ruling dynasty under European domination, and is now serving them in good stead during a period of transition to effective independence

*This paper was read at the Meeting of the African Studies Association held in Boston in September, 1959. It is based upon field work conducted in the Voltaic Republic under the auspices of the Ford Foundation African Studies Program (1955-1957). The author alone is responsible for its contents.

9:Skinner E-5 (1955-1957)1960 FA28 Mossi FA28

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696 all the chaos would come a new appreciation for the task of the chief, and a cessation of the grumbling that the chiefs were greedy.

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666 The Mossi interregnum also served another purpose. It gave the electors the opportunity to exhaust and redistribute much of the patrimony of the dead ruler, which was brought to them by his heirs who were trying to obtain the chieftainship through bribery. Sometimes, a candidate's ability to collect a great deal of goods with which to press his suit often revealed to the electors the strength of his following in the district or village, for had he been an unpopular man he would have had to use only his own resources.

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175 The Mossi electors were always concerned with the health and character of a potential chief, and turned down the most promising candidates who were deficient in any of these qualities. For example, when Moro Naba Sanum died in 1890 without leaving a male heir, his younger brother, Bokary Koutou, was the strongest candidate for the *nam*. Yet he was passed over, at first, by the electors because of his reputation as a bandit and a rebel. We know from Captain Binger, a Frenchman who met Bokary in 1888, that this prince was indeed a bandit and a slave raider. But Binger, although deploring Bokary's conduct, exonerated him on the grounds that the Moro Naba had sent him into exile without any means of support. This was true, but the [687] reason that Moro Naba Sanum did so was because Bokary had raised a rebellion against him as an attempt to obtain their father's position. Bokary was forbidden to appear in the capital; but when he heard that his brother Sanum was dead, he took a force of soldiers and hurried to Wagadougou fearing that an attempt would have been made to prevent his election. When he found that his fears were justified, he became [669] desperate and secreted a force of Gurunsi warriors around the elector's meeting place, threatening to kill them if he was not named Moro Naba. They succumbed to his threat and he received the *nam*. During
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175 the customary speech in which a new ruler chose his official name, announced his program for the people and the country, or ridiculed his erstwhile competitors, Bokary Koutou said: "A hundred ghosts cannot frighten an elephant (Wobogo)," meaning that he was not afraid
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175 of any of his enemies. He thereafter became known as Moro Naba Wobogo, and he chose to live up to his boast when the French arrived and asked him to sign a treaty of protection with them. He refused

9:Skinner E-5 (1955-1957) 1960 FA28 Mossi FA28

and chose to fight, and when defeated, fled to the Gold Coast (Ghana). From here he intrigued with the British against the French and even succeeded in having his brother poisoned for accepting the title of Moro Naba. It was only when the British accepted French sovereignty over Mossi country that Bokary accepted his deposition and permanent exile.

Once the traditional electors had chosen one of Bokary's younger relatives, Siguiri as Moro Naba, the Mossi people themselves quietly accepted French rule. Their behavior was in this respect similar to that of many indigenous populations with complex political institutions who had been conquered by the Europeans. In contrast, the neighboring Dogon, Gurunsi, and Lobi, whose political systems were very simple, and who had been constantly raided by the Mossi for slaves, kept on rebelling against French rule, and in some cases shot poisoned arrows at French tax collectors and labor recruiters as late as 1941. The only opposition which they offered the French was in 1910 when an attempt was made to reorganize the Mossi districts for administrative reasons. However, when the French changed their policy of direct administration to a form of indirect rule, the Mossi remained so peaceful that by 1922 there was only one administrator for every 60,000 inhabitants.

Moro Naba Kom who reigned from 1905 to 1942 skillfully preserved the power of the ruling dynasty during a period when the Mossi people were subjected to a rather severe forced labor regime. This was also a period during which the administration deposed chiefs who ran afoul of its wishes or policies. The political ability of this ruler is best exemplified by the order of succession that occurred in the Doulougou district. In 1895 Moro Naba Wobogo had appointed his own son as Doulougou chief in place of Koabga Wedraogo whom he had deposed and killed. However, when Wobogo fled from the French the next year, his son, the Doulougou chief, killed himself because he did not wish to follow his father into exile. The new Moro Naba Siguiri placed a son of the former district chief, Koabga Wodraogo, as chief of Doulougou. This chief died in 1906 and was replaced by a brother. Unfortunately this chief ran afoul of the French, was deposed and placed in "obligatory residence" in another district where he died in 1927. The Moro Naba then elected another son of ex-

9:Skinner E-5 (1955-1957)1960 FA28 Mossi FA28

643 636 175 662 Moro Naba Wobogo as chief of Doulougou, but this chief was assassinated. Thereafter the Moro Naba placed his own brother as chief of Doulougou district only to have him deposed by the French in 1932 for abusing his power. Now the Moro Naba again turned to a descendant of Koabga Wedrago and named him chief, but the French also deposed and jailed this chief for incapacity. Finally in 1935, the Moro Naba named his own son, Etienne Kongo, as chief, and this man was still chief when I left the Mossi in 1957. The interesting feature of this succession is that the Moro Naba confined it to three specific families: his own, that of ex-Moro Naba Wobogo, and that of the ancient chiefly line of Doulougou. In no case did Moro Naba Kom attempt to elevate to chieftainship the son or relative of a man whom the French deposed. He named a chief from another one of the chiefly families, and when a member of this line was deposed, he quickly turned to another one. In this way, the Moro Naba never gave the French any cause for thinking that he disapproved of their action by placing as chief a relative of the man they had deposed. This type of succession was only possible because of the flexibility in the Mossi mode of chiefly succession. Furthermore, the district people readily accepted the chiefs appointed by the Moro Naba because he never deviated from their cultural expectations, or violated the accepted norm of succession.

636 643 A more serious attempt on the part of the French to influence the traditional political organization of the Mossi came when they tried to enroll the sons of the Moro Naba and those of other chiefs in a special school in order to make these boys adjuncts in their administration. The eldest sons of the Moro Naba and of the officials around Wagadougou were all sent to school because they were well known to the French. 636 643 186 662 However, in the rural districts, the chiefs hesitated to send their eldest sons to school. First of all, they regarded this plan as another form of forced labor from which their sons might never return. And secondly, because they also feared that if these youths did return as educated men, they would have been Christianized, and thereby would have been unable or unwilling to perform the important roles which chiefs had vis-a-vis the ancestors. To palliate the French the chiefs sent their youngest or motherless sons to schools, or in some cases substituted the sons

9:Skinner E-5 (1955-1957) 1960 FA28 Mossi FA28

of their former serfs and slaves who were theoretically also "their sons."

The sons of the chiefs and those boys of commoner, serf, and slave origins who had gone to the mission schools became the first group of educated Mossi. The educated commoners had no function in the traditional political system and were readily absorbed by the local French bureaucracy. However, since these persons were not sufficient to fill the administration's need of literate Mossi, the sons of chiefs and even the carefully coached missionary catechists were encouraged to join the civil service. The result of this policy was that almost no literate Mossi were elected to district and village chieftainship before the end of the second world war.

The relatively rapid political development which came to French Africa as a result of the Brazzaville Conference of 1944 and the aftermath of the war presented the traditional Mossi political hierarchy with a grave problem: "Who should represent the Mossi people in the new French assemblies and councils both in Africa and in metropolitan France?" There were three possibilities: They could be represented by educated foreign Africans; by the educated sons of Mossi chiefs whose loyalties were not known; or by the potentially hostile educated Mossi commoners. The first hint of the Moro Naba's policy was revealed when the Africans were called upon to select delegates to send to the French Constituent Assembly on October 21, 1945. Houphouet [Boigny], who anticipated the determination of the Mossi to support their own candidate, had vainly taken the precaution of sending an emissary to the Moro Naba prior to the September 8 meeting [which the Africans had called to plan strategy]. The Moro Naba proved unamenable to the suggestion that he support Houphouet's candidacy, and insisted on backing one of his own loyals vassals, Tenga Wedraogo or Baloum Naba.[5] This action showed clearly that the Mossi had planned to use educated chiefs who could also represent them in the assemblies. The flexible pattern of Mossi political succession enabled the Moro Naba and his advisers to meet this new contingency. In three districts, Manga, Sapone, and Kaya, the eldest sons of deceased chiefs were passed over, and their younger educated brothers were elected to the vacant chieftainships. There were some hard feelings over the appointment of Sapone, but the reason given was that the new chief was partially blind in one eye. I have no data for the reaction of

9:Skinner E-5 (1955-1957)1960 FA28 Mossi FA28

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646 the Kaya people to their new chief. However, in Manga the proposed
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662 concern and talk about Catholic machinations because the nominee was of that faith. But there was no overt opposition to him once he had been elected. His elder brother accepted the wishes of the Moro Naba with good graces even though he remains a rather tragic individual.

643 The differential treatment that the Manga Naba receives from the
636 administration is obvious to everyone. Whereas the other district chiefs are still summarily summoned to the administrative center, and kept waiting, the Manga Naba sends his assistants to represent him. When the Governor of the Haute Volta came to Manga to make it an administrative subdivision, he was entertained by the Manga Naba while the neighboring district chiefs celebrated outside. It was the political power of this educated chief which was responsible for Manga becoming an administrative subdivision even though it is located several miles from the highway which runs between Wagadougou and Ghana. Furthermore, the population of the neighboring district all complain that Manga's population has gained a disproportionate share of all the services provided by the governmental agencies whose headquarters are there. The fears which the Manga people and the other Mossi have had over their chiefs being Catholic have not materialized in Manga. Of course, the Manga Naba does perform the rituals on the
[769] day of the ancestral feasts. These rites are now being performed by his father's brother who has become the ritual head of the ruling lineage (and it is possible that this line may become the line which performs this task for the now "secular" chief). However, when the
[197] chief celebrates the anniversary of his conversion to Catholicism at the mission, afterwards he holds court in his house where he receives from Catholics, Moslems, and pagans alike, the gifts he normally would have received in the feast of the ancestors.[6]

The most important function of such Mossi chiefs as the Manga Naba is to defend the interests of the Mossi people in the territorial assemblies and the French councils and assemblies while preserving the ruling tradition of the descendants of Wedraogo and Wubri. In his capacity as politician-chief, the Manga Naba joined a fellow Mossi of rather humble origin in sponsoring several bills in the Assembly of

11: Skinner E-5 (1955-1957) 1964
FA28 Mossi FA28

fathers died. In this way the rulers not only retained the allegiance of the boys' fathers but had a unique opportunity to determine whether these boys were qualified to succeed to the nam.

The life of a page was confining, even if sometimes very rewarding. Pages were bound by the demands of the ruler, whose every wish had to be satisfied immediately. A quarrelsome ruler was a terror to his pages, who had to bear silently his insults and blows. On the other hand, a considerate monarch permitted or encouraged his pages to profit from the small political intrigues in which they were invariably involved. Prospective district chiefs "made friends" with pages to find out whether their suits were progressing, or to whom they might usefully offer gifts. The pages used any money they might procure to buy clothes for themselves, to supplement the clothing and presents they received from their relatives. Every page was "adopted" by one of the royal wives, who prepared his meals and took care of him. In return, he helped this woman cultivate her field when his presence was not required by the monarch. When a page completed his service satisfactorily, he received a pughsiudga as a wife. If his work had not been satisfactory, he was simply dismissed.

The only woman who played any significant role at the court of the Mogho Naba was the Pughtiema, his head wife. She was the only wife to whom he presented his friends, and whom he allowed his subjects to visit. This woman, who was commonly the widow of the former Mogho Naba, was often chosen because she was past childbearing age: she was thus older and wiser than the other wives, less preoccupied with children, and above the sexual jealousies that may often develop in polygynous households. She arbitrated among the wives and stood *in loco parentis* to the younger ones, whom she instructed and advised. She served also as official hostess to the ancestors during the annual propitiatory rituals. It was her duty to prepare the millet beer and millet water for the sacrifices to the ancestors, who were believed to feast at her hut before they visited the rest of the household. In addition, it was she who prepared to accompany the Mogho Naba to La each day. Lastly, it was her duty to introduce any new royal wife to the ancestors, and to ask them to watch over this potential mother of their descendants.

The ruler inherited some of his wives from his father; some he received from his many friends and vassals; and others he selected from among his pughsiudse. Crozat reports that Mogho Naba Wobogo (1890–96) allegedly had a hundred wives. Crozat did not see this many women at Wobogo's court, understandably, since most of a ruler's wives lived in villages, where they were guarded by eunuchs.[23] Of the substantial number of royal wives

11: Skinner E-5 (1955-1957) 1964
FA28 Mossi FA28

It was only when this man had returned to the capital that all the nobles in the local ruling lineage were invited to Ouagadougou to press their claims. Only the dead chief's babissi went to Ouagadougou, even though all nobles subscribed to the traditional concept that "the nam does not belong to any one sub-lineage; it can be given to any nobleman." Unlike the others, these nobles did not shave their heads in mourning, thus indicating their candidacy for the nam. When they donned sheepskin cloaks and carried spears on their shoulders, they indicated that they were interested in the nam of the district.

Before a candidate for the district chieftainship left for Ouagadougou, he collected livestock, money, clothing, and grain from his friends to give as gifts or bribes to important officials in the capital. When he arrived there, he lived with friends and conducted his campaign from their home. He and the other candidates visited their provincial minister and his colleagues, the Mogho Naba, and other courtiers, giving presents ostensibly as a sign of friendship but actually with the ultimate aim of impressing these people with their generosity. These activities were often very costly; for if the Ouagadougou officials suspected that the candidates were wealthy, they made every effort to obtain as many presents as possible. It was not unusual for candidates for the district chieftainship to remain at the capital as long as "thirty-three" or "sixty-six" days before the officials were satisfied with their generosity and made preparations for the election.

The evening before the election, the Baloum Naba asked each candidate to provide a chicken and a sheep for the evening sacrifices to the namtibo." After the morning ceremony on the following day, the Ouidi Naba reminded the sovereign that a new chief had to be chosen for Nobere district. The Mogho Naba summoned the Gounga Naba and asked him which candidate had the best character and was most capable of taking care of the district—a question which shows that the Mossi never placed primogeniture above the ability to rule." The Gounga Naba had already consulted his friends about the matter, but he recounted both the good and the bad qualities of each candidate. At the same time, he hinted which one would make the best chief. He finally told the Mogho Naba that all of the candidates were worthy men, adding, "You can give the nam to any of them." The Mogho Naba then looked around to ascertain whether the other ministers had concurred in the Gounga Naba's implied choice before declaring, "I will give the nam to X, because when his [father, grandfather, or brother, used in the generic or classificatory sense] was alive, he was good to me. The ancestors would be angry if I did not give his [son, grandson, or brother] the nam." With these words the selection was made, and the ministers now prepared to install the successful candidate.

11: Skinner E-5 (1955-1957) 1964
FA28 Mossi FA28

to the control of his brother at Nobere. The other district, still called Vooko but now half its former size, was given to a descendant of its deposed ruler. The relationship between these two rulers and the Nobere Naba was that of vassals and lord. They did not stand up in the presence of the Nobere Naba, but knelt or sat on the ground and uncovered their heads in respect to him. The Nobere Naba traditionally appointed the village chiefs in the Vooko and Nobila districts; however, he sometimes granted that right to the two district chiefs. Furthermore, the traditional provincial administrator could not transmit any orders to those two district chiefs without first notifying the Nobere Naba. In their everyday affairs the two chiefs were autonomous, but the Nobere Naba could challenge and countermand all their actions. Actually, he did seem to exercise greater control over Vooko than over Nobila. One may even say that the relationship between the Nobere district chief and the Vooko chief was like that between the Mogho Naba and his district chiefs, and that the relationship between the Nobere Naba and the Nobila Naba was comparable to the one between the Mogho Naba and the Dimdamba. We have seen that the Dimdamba claimed equality with the Mogho Naba because of their alleged descent from a putative common ancestor. The Nobere Naba was actually more closely related to the Nobila Naba than to the Vooko Naba, and his behavior toward them reflected this fact. In both cases, the relationships involved were determined by the concept of joint possession of the nam by the ruling family.

A district chief was not required to notify his superior when he wished to confer the nam upon a village chief. In this choice he was completely autonomous and subject only to tradition. The fact is that on the district and village levels, traditions were more frequently modified in the face of practical political and socio-economic considerations. This occurred primarily because the district chief had closer relations with persons who possessed goods and services or who controlled them directly than did the chiefs on higher levels. Secondly, he was often under great temptation to allow presents or bribes to affect his choice of subordinate chiefs.

When a Tenga Naba died, the district chief permitted control of the village to revert to its Tengsoba. If there was none, the village was "given" to the eldest man among the aboriginal Ninisi lineages or to the eldest member of the ruling lineage segment. However, none of these persons was considered anything but a trustee of the village, and even when the trustee was a potential candidate for the nam, the Mossi did not feel that this man had any advantage over his competitors. Whoever held control of the village was held responsible for its affairs by the district administrator until the new chief was elected.

Competition for chieftainship on this level was very keen because of the

11: Skinner E-5 (1955-1957) 1964
FA28 Mossi FA28

greater number of lineage members eligible for the nam and the shallow genealogical depth. Every man who had the ability or desire to rule was encouraged to seek the post. Many candidates tried to impress the district chief and his advisers with their good qualities; most tried to bribe them. Since the candidates could not openly seek the post during the day, they visited the important officials of the district at night, taking money and cattle as presents. Some candidates even promised wives. The intrigues on this level, such as seeking the friendship of pages to find out about the activities of rivals, paralleled those at Ouagadougou. The more gifts a candidate gave the district chief, the more his rivals tried to surpass him. Consequently, the district chief often kept the office vacant for months or even as long as two or three years in order to enjoy these lucrative gifts. Neither the caretakers of the village, who complained about the administrative problems of a village without a chief, nor the Tengsobadamba, who declared that without the permission of a chief they could not make sacrifices to help the people avoid illness, drought, and sterility, could force the Kombere Naba to name a new village chief. Only when the candidates had exhausted most of their wealth was the process to elect the chief set in motion.

The district chief had a better knowledge of the character of candidates for the village chieftainship than the Dimdamba or Mogho Nanamse had about the men whom they selected. The district chiefs were better able than other Mossi rulers to obey the dictum that only those men capable of "keeping" the country should rule. Nevertheless, before making a choice, the Kombere Naba called in the local minister responsible for the village in question and discussed with him the character and capabilities of the various candidates.[42] As on higher levels, the eldest son of the former chief was usually favored, especially if he had sent a large *fado* (death tax) to the district chief and had been generous to him during the interregnum. But it was also possible that one of the dead chief's younger sons or one of his brothers or uncles might be chosen. In some cases, the district chiefs chose men from related sub-lineages that had not held the nam for generations. One district chief chose a man who had lived away from the village for thirty years. He had gone to live in his mother's brother's village as a young man and did not return until he was named chief. Admittedly, such cases were exceptional, but they kept alive in the minds of the local people the concept of the Mossi lineage's corporate possession of the nam.

On the day chosen for the election of a village chief, all the candidates with their unshaved heads and sheepskin mantles reported to the village administrator's house along with all the other men of their lineage. They gave him presents, and he led them to the compound of the district chief.

Naba was responsible for checking these depredations, but he had little coercive force since these nobles were infinitely superior to him in rank.

The Mogho Naba held his five ministers responsible for the administration of the districts within their provinces. Therefore they had to function as liaison officers between him and the district chiefs. Every morning, in order of precedence, the ministers reported the news they had received from their provinces since the previous day. At this time, the Mogho Naba also gave them messages for their districts. Later in the day, the ministers presented to the ruler those persons who had come from their provinces to the capital with special grievances, requests, or gifts. Delicate affairs of state were left for the evening, when they were discussed by the Mogho Naba, his minister or ministers, and other important persons.

From all reports, these administrative affairs kept both the ministers and the Mogho Naba quite busy. Binger, who could barely conceal his displeasure with Mogho Naba Sanum, gives this critical but otherwise highly illuminating view of the Mossi ruler's administrative activities:

> The duties of Naba Sanum are not too important. They consist of receiving visits throughout the day. In the morning, at about six o'clock, the drums announce that the ruler has arisen. When he has washed and refreshed himself with a meal, his captives and his wives go to his chamber to salute him. Then comes the turn of strangers, people of the neighborhood, petitioners, and others. They squat before the reception area until the ruler deigns to appear. When a large number of people have gathered, one of the [pages] goes to notify the ruler, who then arrives, sits on his cushion, and casts an amiable glance on the gathering while all present snap their fingers. As soon as Naba Sanum is seated, the petitioners and visitors hurry toward the monarch, throw themselves face down on the earth, and cover their heads with sand. Then each of them gets up and presents a gift of greater or lesser importance, in cowries or foodstuffs, according to what he wishes to ask. Then the [pages] come and say to the ruler, "A certain man has brought a sack of cowries, or a goat, or an ox. He desires to speak to you." The ruler thanks all of them with a *nif kende* (thanks) and retires into his chamber. It is well known that not one out of fifty petitioners was given the opportunity to have his wishes heard. Those who were heard had first spoken to an attendant who, after being paid in advance, had put off their case indefinitely by stating that it would be dealt with next. . . . Since the monarch's days are so well filled, one easily understands why he finds it difficult to deal effectively with the internal and external affairs of his kingdom; in any case, Mossi country is in a period of decadence that will only be aggravated with time.[35]

The activities Binger considered frivolous were, on the contrary, important for the proper administration of the kingdom. The Mogho Naba had to receive petitions from the districts and transmit administrative orders to

11: Skinner E-5 (1955-1957) 1964
FA28 Mossi FA28

against the Mogho Naba. I say "allegedly" because it was never quite clear whether the district chief was at fault or whether the Mogho Naba wanted to replace him for dynastic reasons. For example, Tanga, a district chief, was accused by Mogho Naba Sanum (1850–90) of withholding tribute and of maladministration. The Ouidi Naba who administered Tanga's district advised him to prove his innocence by making a sacrifice on Naba Oubri's tomb, and then go to Ouagadougou and ask the Mogho Naba's forgiveness. Tanga agreed to do so. But it appears that the Mogho Naba, who wished to place his own father's brother in Tanga's place, did not want a reconciliation. He waged war on Tanga, and seized his relatives, retainers, and cattle. Tanga tried to regain his losses by appealing to his provincial minister, but the minister told him that the Mogho Naba had distributed the livestock and had sold the people to Hausa traders. Moreover, he informed Tanga that he could not help him because the Mogho Naba could do as he pleased. Tanga thereupon decided to take matters into his own hands. He successfully attacked the Mogho Naba's villages, and was still a rebel when the French arrived shortly afterward.[26]

Tanga's action was unusual, for district chiefs seldom risked rebelling against the Mogho Naba when accused of maladministration. In 1895, for example, Koabga, chief of Doulougou district in the province of the Gounga Naba, took poison rather than wage war when Mogho Naba Wobogo accused him of misgovernment. Usually, a district chief who disobeyed an order of the Mogho Naba was summoned to the capital to answer the charge of lese majesty. If he was found guilty, the ruler knocked the bonnet off his head, thus deposing him, and had him strangled. The Mossi seldom spilled royal blood. A district chief who refused to go to Ouagadougou could either kill himself (traditionally by taking arsenic) or resort to civil war.[27] If he chose suicide, he was given an honorable burial as though he had died naturally. If the Mogho Naba sent down an army, however, the offending chief was invariably killed. His compound was burned, his slaves and cattle were seized, and his allies and immediate relatives were compelled to flee. The strength of this tradition is borne out by Tanga's case. He had successfully resisted the attempts of two Mogho Nanamse to bring him to heel, and was still at large when the French conquered the country. But Ouidi Naba Koabga, who had deserted his sovereign and selected Kouka Koutou as Mogho Naba under French orders, had not forgiven Tanga. When the French asked him what additional steps they should take to pacify the country, he asked them to capture Tanga. The unfortunate district chief was captured, placed on an unsaddled colt, and taken to Ouagadougou, where he was ignominiously executed.[28]

11: Skinner E-5 (1955-1957) 1964
FA28 Mossi FA28

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V

LAW AND THE JUDICIAL PROCESS

671 The Mossi possessed a comprehensive body of rules governing human conduct. These rules were well known to the people, and violators were punished by the responsible authorities. The Mossi might be said to have had substantive law, but they had no written codes. Nevertheless, the lack of written codes does not warrant Mangin's blanket criticism of Mossi judicial processes: "Of course, there was no written code, no formal scale of penalties. Everything depended on custom and on the whim of the judge. [662] Thus, the wealthy could obtain sentences in their favor by paying the judges, and thieves could avoid punishment by sharing their loot with the Naba."[1] Custom did dictate the penalties, just as "written custom" dictates penalties [692] in all written legal codes. But, as we shall see, the Mossi did have a known [695] scale of penalties. Moreover, a Mossi judge had to be careful in rendering judgment, because his decisions could be reviewed by a higher court.

596 681 The head of the Mossi extended family, the *Yirisoba,* was responsible for the everyday conduct of his charges. It was his duty to settle all family quarrels, and to punish persons guilty of theft within the compound, disrespect toward elders, and incest. Punishment for the lesser wrongs included 596 683 684 reprimands and floggings. A person found guilty of disrespect to the elders or of incest could be banished from the group. But banishment was so severe that it was imposed only if the criminal refused to make the usual conciliatory gestures and was condemned by all the members of his boodoo. Even after this condemnation, however, he could ask a "sister's son," a yagenga, [613] to intercede for him. This man, the son of a female lineage member, had many privileges within his mother's brother's lineage, including the right to mediate between an exile and his boodoo.

593 586 613 Amicable relations within the family group were most often disrupted by conjugal difficulties. A Mossi husband could occasionally flog an erring wife, but he was not allowed to maltreat her. When a man became disgusted with his wife and wished to repudiate her, he put her water pots in the compound yard. This rather serious action often led to hostile relations

11: Skinner E-5 (1955-1957) 1964
FA28 Mossi FA28

time safeguarding his position within the district and toward the Mogho Naba. For, as already pointed out, the district chief who failed to protect his subjects as well as to rule them was deposed and executed by the sovereign.

The promptness with which the lower courts dealt with litigations left little time for pre-trial bribery, and there is general agreement that the traditional courts were just. Of course, some lower chiefs were known to have been unfair and to have taken bribes. However, they were always in danger of having their verdicts appealed to Ouagadougou.

The Mossi believed in and acted on the dictum that "the truth is at Ouagadougou." They were convinced that they could obtain justice from the Mogho Naba if from no other chief. If a man was not satisfied with the ruling of a lower chief, he was free in theory to seek a higher verdict, and this influenced the kind of justice rendered on the lower level. As a rule, however, the district chiefs did not favor appeals to Ouagadougou. They felt, like most Mossi, that the less their superiors knew about their activities, the better. Thus, the district chief used all of his influence to prevent cases from being appealed to the capital. Some district chiefs were not above coercing litigants into such abstention. They even threatened them with reprisals if the verdict should be unfavorable. But the greatest deterrent against such appeals was the expenditure of time and money. The docket of the Mogho Naba's court was always crowded, and the suitors often had to remain at the capital for as long as three months before they were given a hearing.[9] During this period they often spent more money than the action was worth. Marc states that the word "Ouagadougou" means "the place where one becomes thin," a reference to the amount of money litigants had to spend while waiting for their cases to be heard.[10]

When the object of a lawsuit was the inheritance of cattle, the litigants sustained a double loss. As soon as they asked that the case be taken to the capital, the district chief impounded the cattle. While the case was pending he appropriated the cows' milk, and when the case was settled both he and the Mogho Naba received some animals. Thus, suitors were usually under a great deal of pressure to resolve their problems on the district level. However, if they were determined to go to the capital, they were permitted to do so.

The district chief always sent one of his retainers to the capital with the litigants. The group went directly to the district's provincial minister, who was empowered to hear the appeal and decide whether it should be brought before the Mogho Naba or returned to the district court. If he decided to send it to the Mogho Naba, he placed it on the docket and told the

11: Skinner E-5 (1955-1957) 1964
FA28 Mossi FA28

15. *Ibid.*, p. 673. 16. Delafosse, II, 128–29.
17. Binger, II, 502. 18. Crozat, p. 4849.
19. *Ibid.*, p. 4822.

20. The structure of the Mossi kingdoms and their relationship with the autonomous principalities make it difficult to determine the exact number of districts within each unit. For example, the Mossi people always claimed that the Mogho Naba of Ouagadougou was sovereign over "333" chiefs (cf. Binger, I, 502). However, since the Mossi always associate the number 3 with males, any number giving a multiple of threes is suspect. Binger stated that some of the chiefs referred to as part of the 333 were no more than village chiefs. However, Tauxier (*Le Noir du Soudan*, p. 567), describing the kingdom of Ouagadougou, states, "At the top of this hierarchy is the king, the Mogho Naba, paramount chief of the Mossi, residing at Ouagadougou. To give at least an idea of the relative importance of this empire, without going further than, say, the cercle of Ouagadougou, there were eight provinces comprising 300 *cantons* [districts], 5,000 villages or small towns, and 861,700 inhabitants."

While voicing the myth that the Mogho Naba had "under his control 333 chiefs or Nabas," Dim Delobson actually gives only about 150 chiefs in his list of district and other chiefs (pp. 46, 288–97). It was impossible for me to get any idea of the number of chiefs, because the Mossi hierarchy has changed radically since 1905.

21. Dim Delobson, p. 63.
22. Cheron, "Contribution," p. 651.
23. The Mossi did not acknowledge the defeat of Mogho Naba Wobogo by the French until the Ouidi Naba surrendered to the invaders and installed a ruler they had chosen.
24. Archives, Document 1G-334. Lambert describes Karfo as "a curious figure who unfortunately is not well known."
25. Binger, I, 465.
26. Dim Delobson, pp. 15–45, *passim*.
27. It appears that the monarchs found fault with their district chiefs most readily when they had sons or other relatives in need of districts to govern. Since a possessor of the nam could not be deprived of it while alive, he had to be accused of some crime and executed. Koabga was replaced as Doulougou Naba by Lassanne Congo (called Naba Kouliga), a son of the Mogho Naba. On the other hand, when Naba Pusha of Nobere district fled rather than commit suicide or start a civil war, he was replaced by his own brother, who became Naba Soulougou.
28. Dim Delobson, p. 44. 29. Cheron, "Contribution," p. 655.

CHAPTER FIVE

1. Mangin, p. 25.
2. Mangin does not discuss rape, but reported that an "abductor" was beaten and put in irons. The girl was returned to her family, and if she gave birth to a child, it was killed (pp. 26–27).
3. Dim Delobson, p. 55.
4. Most of my informants state quite clearly that the district chiefs did not have the right to impose the death penalty, but could do so if they were discreet about it and did not take advantage of their subjects. But Dim Delobson states: "Contrary to what people generally believe, the Kombere—the chief of the *canton* [district]—also had the power of life and death over his subjects. How many persons have been put to death only because they were wealthy? How many village chiefs have been killed by the district chiefs in their territories without the Mogho Naba's intervention?" (pp. 55–56).
5. Dim Delobson (p. 56) insists that justice was free of charge, but added that